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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,295	08/13/2001	Randall Ho	EYEM1360	8107

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EXAMINER

KASSA, YOSEF

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,295

Applicant(s)

HO ET AL.

Examiner

YOSEF KASSA

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug. 13, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5&6</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Guenter et al (U.S. Patent 6,072,496).

With regard to claim 1, Guenter et al discloses capturing a sequence of two-dimensional video image frames of the face of an actor (see col. 5, lines 10-17), for each video image frame (see Fig. 1, item 22), sensing the locations of the actor's facial features, i.e., facial expression, at predetermined node, i.e., marker, locations (see col. 5, lines 1-8), wherein each node location is associated with a particular facial feature (see Fig. 14 and 15); driving control points on a three-dimensional head mesh based on the sensed node locations (see col. 15, lines 15-20) to generate a shaped three-dimensional head mesh (see col. 5, lines 28-33); warping the video image frame used to generate the sensed node location for projection onto the shaped head mesh (see col. 18, lines 25-41); and texture mapping the warped video image frame onto the shaped head mesh to generate a three-dimensional frame head associated with the respective video image frame (see col. 17, lines 13-19); and animating the three-

Art Unit: 2625

dimensional video head by displaying (see Fig. 28, item 347) a sequence of the three-dimensional frame heads associated with the sequence of video image frames (see col. 6, lines 54-67).

2. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guenter et al (U.S. Patent 6,072,496), and further in view of Burns (U.S. Patent 5,828,769).

With regard to claim 2, while Guenter et al discloses the step of sensing the locations of the facial features in the sequence of video image frames is performed using transformed facial image frames, he does not explicitly call for the video images are generated based on wavelet transformations. However, in the same field of endeavor, Burns teaches this feature (see col. 2, lines 51-55). At the time of the invention was made, it would have been obvious to incorporate the teaching of Burns's image object recognition system into Guenter et al system. The motivation for doing so is to provide visual recognition of an object of an image under variations of three dimensional position and orientation of the object.

With regard to claim 3, while Guenter et al discloses the step of sensing the locations of the facial features in the sequence of video image frames is performed using transformed facial image frames, he does not explicitly call for the video images are generated based on Gabor wavelet transformations. However, in the same field of endeavor, Burns teaches this feature (see col. 2, lines 51-55). At the time of the invention was made, it would have been obvious to incorporate the teaching of Burns's image object recognition system into Guenter et al system. The motivation for doing so

Art Unit: 2625

is to provide visual recognition of an object of an image under variations of three dimensional position and orientation of the object.

Other Prior Art Cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (6,556,196) to Blanz et al disclose method and apparatus for the processing of images.

US Patent No. (6,504,546) to Cosatto et al disclose method of modeling...

US Patent No. (5,995,119) to Cosatto et al discloses method for generating photo-realistic...

US Patent No. (6,044,168) to Tuceryan et al disclose model based faced coding...

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703)

Application/Control Number: 09/929,295

Page 5

Art Unit: 2625


872-9306 for regular communication and (703) 872-9306 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

PATENT EXAMINER

Yosef Kassa

05/28/04.



BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600